



ADMINISTRATIVE REPORT

Report Date: November 28, 2011
Contact: Tom Hammel
Contact No.: 604.873.7545
RTS No.: 9280
VanRIMS No.: 08-2000-20
Meeting Date: December 15, 2011

TO: Standing Committee on Planning, Transportation and Environment
FROM: General Manager of Community Services
SUBJECT: Liquor Violations and Related Disturbances - 2200 Block West Broadway

RECOMMENDATION

THAT Council receive this report for information and consider it in the context of the application from the Regal Beagle - 2283 West Broadway in the accompanying report recommending approval of their application to convert 40 of their Food Primary seats to Liquor Primary seats.

REPORT SUMMARY

This report presents information on the liquor-related violations and disturbances in the area of the 2200 block West Broadway over the past 2 years. Enforcement action to date is presented along with a plan on how these issues will be dealt with if they continue. The majority of liquor-related violations and disturbances in the area are related to Lola's Bar at 2291 West Broadway. A significant amount of staff time has been spent monitoring and enforcing the violations and disturbances from this bar and enforcement action is ongoing as noted in this report.

Staff are bringing back to Council, the accompanying report, "2283 West Broadway - Golden Road Consulting Ltd. Liquor Primary Liquor Licence Application - The Regal Beagle Grill Liquor Establishment Class 1 (Neighbourhood Pub)", and recommending approval of their application to convert 40 of their Food Primary seats to Liquor Primary seats. This is based on the previous review of the application and based on the analysis in this report that this pub has not contributed significantly to the historical disturbance issues in the neighbourhood.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On June 30, 2011 when considering an application from the Regal Beagle, Council approved the following motion:

THAT Council refer the report and recommendations for a maximum of 120 days, pending receipt of a report from staff on liquor violations and related public disturbances in and around the 2200 block of West Broadway.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Community Services presents the foregoing report for Council's information.

REPORT:

Background/Context

At the June 30, 2011 meeting of the Planning & Environment Committee meeting when dealing with the application from the Regal Beagle food primary establishment, Council heard from a number of speakers who raised concerns about noise disturbances in the vicinity of this establishment and Lola's Bar which are both located in the 2200 block West Broadway. As a result of these concerns, Council deferred a decision on the Regal Beagle application pending a review of liquor violations and related public disturbances in the area.

This report presents the results of a staff analysis into liquor-related disturbances in the area, reviews enforcement action to date and provides a summary of the next steps to deal with the issues.

Strategic Analysis

The analysis below provides information about the land use context, history of police-dispatched calls and complaints, enforcement action to date and next steps to dealing with liquor-related disturbances in the area of the 2200 block West Broadway.

The Neighbourhood Context

Both Lola's Bar and the Regal Beagle are located on the north side of the 2200 block of West Broadway. West Broadway is one of the City's major east-west arterials. It is a truck route and a major transit corridor. This block and blocks to the east are zoned C-3A which permits commercial and mixed-use (residential and commercial) development. Blocks to the west on Broadway are zoned RM-4 permitting apartments and other types of residential development. There is a liquor store at 2289 W. Broadway in the same block as Lola's Bar and the Regal Beagle.

These blocks of Broadway are considered a 'neighbourhood centre' for Kitsilano. There are commercial buildings with offices and ground floor retail and restaurants in the vicinity of Lola's Bar and the Regal Beagle. There are also mixed use buildings with residential over ground floor commercial on adjacent blocks. Tenth Avenue to the north is mixed commercial and residential uses and to the west and north is residential. A map of the surrounding land uses is in Appendix 'A'. Planning staff anticipate that there will continue to be mixed-use and commercial developments on West Broadway in the vicinity of the two businesses and primarily residential development elsewhere.

The largest age group (2006 Census) in Kitsilano is between the ages of 20 to 39. The next largest age group is between 40 to 64. Children and youth make up 12.6% of the population which is lower than the City-wide average of 17.9%. Similarly, seniors make up a lower proportion (9.1%) of the population than the City-wide average (13.1%).

Residential development is permitted throughout Kitsilano. Any application that Council would be considering for a liquor primary licence in this neighbourhood will have residential in neighbouring locations.

Information about the operation of the businesses, the Regal Beagle, a Restaurant - Class 1 and Lola's, a nightclub with a liquor primary license, is outlined in Table 1 below.

Table 1 - Operational information - Lola's Bar and Regal Beagle

	Lola's Bar 2291 W. Broadway	Regal Beagle 2281 W. Broadway
Type	Liquor Primary	Food Primary
Indoor Seating	138	91 (including an 18 seat liquor lounge)
Outdoor patio seating	0	23
Business model	-Cabaret/night club -Focus is on dancing/drinking -Caters to a 19-23 yr old college crowd	-Pub-style establishment -Caters to a mixed age group -Minors permitted
Hours of liquor service		
-weekdays	7:00pm - 1:00am	Noon - 2:00am
-weekends	7:00pm - 2:00am	Noon - 2:00am
-patio	- n/a	Noon - 11:00pm

Analysis of complaints and disturbance calls

The following charts present a summary of the types, number and times of complaint and disturbance calls related to the vicinity of the Regal Beagle and Lola's Bar. The history is based on complaints and dispatched police calls for the immediate block of the two establishments (2200 West Broadway) as well as nearby Vine Street between 8th Avenue and Broadway (2400 and 2500 block Vine). These calls cover a range of issues from disturbances to assaults, thefts, etc. The analysis demonstrates that the majority of the issues that can be attributed to a particular source relate to Lola's Bar.

Figure 1

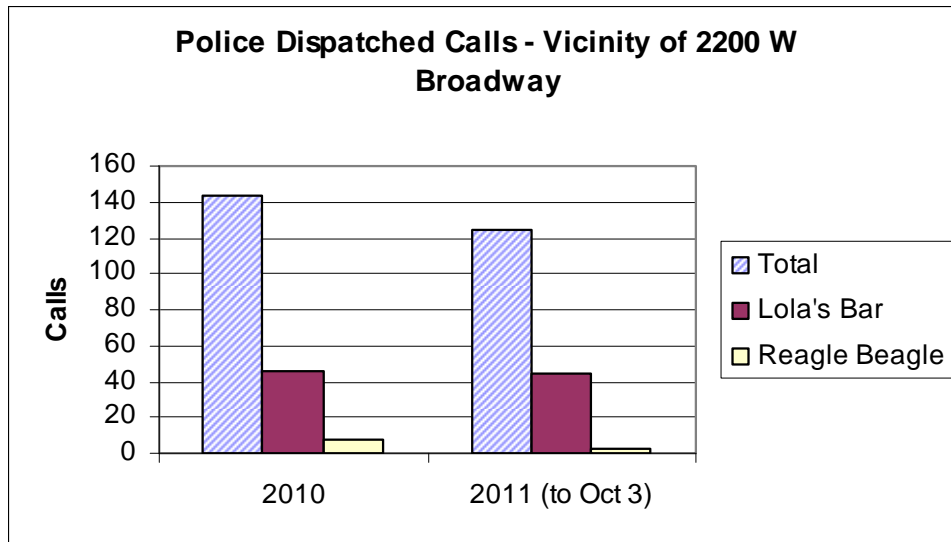


Figure 2

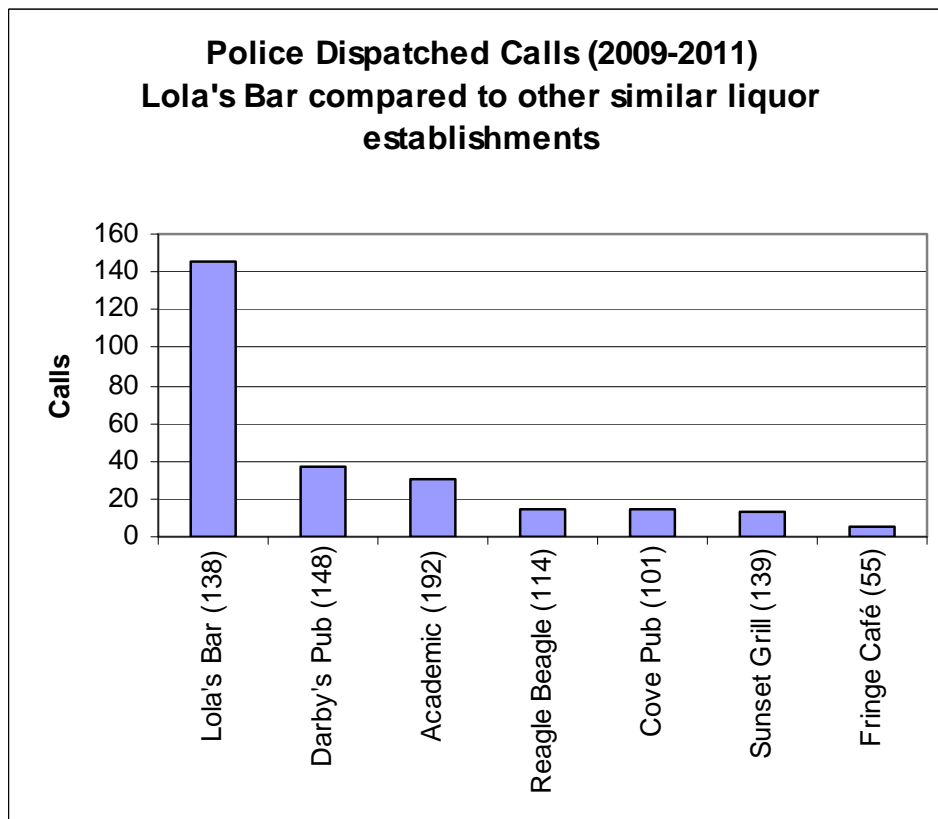


Figure 3

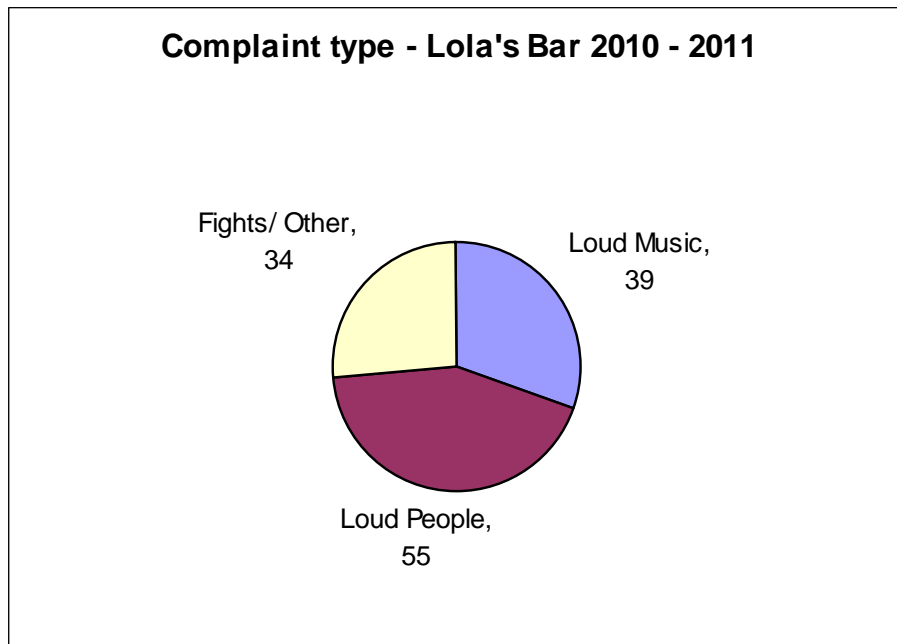
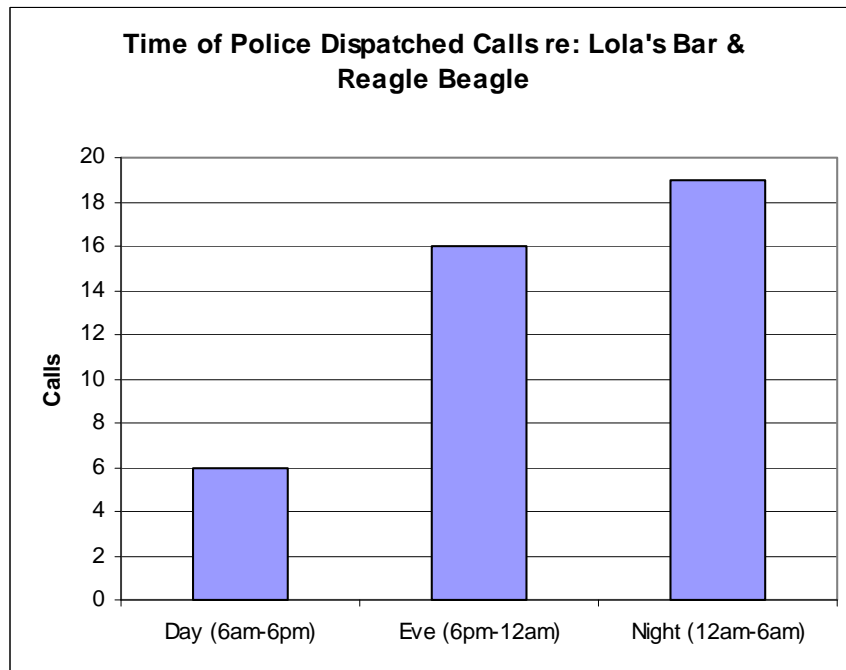


Figure 4



The following conclusions can be drawn from the above summary of police dispatched calls and complaints:

- Approximately 1/3 of the police-dispatched calls for the 3-block vicinity over the past 2 years, can be attributed directly to Lola's Bar
- The number of police-dispatched calls related Lola's outnumber those related to the Regal Beagle by 12 to 1
- Lola's generates far more police-dispatched calls than other liquor establishments on the west side
- Disturbances relate primarily to noise from patrons and to loud music
- Disturbance calls are greatest after midnight suggesting that they are caused by patrons leaving the establishment

In 2011, staff received 59 email complaints from residents about noise related to music coming from Lola's Bar and from patron disturbances within the neighbourhood, particularly around closing time. Complaints have dropped off since the beginning of October, but that is a typical pattern as colder weather sets in, residents tend to keep their windows closed and patrons tend to leave the area more quickly.

Surveillance (July and August, 2011)

Covert surveillance of the area was carried out by the VPD and a Liquor Control and Licensing Branch Inspector on six separate occasions between July 16th and August 29th, 2011 between 11 pm and 2 am in an attempt to understand the source of the disturbances (results are attached as Appendix 'B').

These observations are consistent with the police-dispatched calls and indicate that the majority of disturbance issues arise from Lola's Bar in particular after midnight and when the bar closes. Noise and disturbance issues were noted on four out of the six nights observations were made, including issues around noise from music, patrons yelling loudly outside the bar, public urination and fighting. Issues were noted with respect to the Regal Beagle on only one of the nights (noisy patrons outside the establishment) while the majority of observed issues relate to Lola's Bar.

Enforcement history (past 5 years)

Enforcement action taken with respect to Lola's Bar and the Regal Beagle is detailed in Appendix C and summarized below.

Lola's Bar

Lola's Bar has been the subject of recent enforcement action by the City and the Liquor Control and Licensing Branch as shown in Appendix C including one fine and three licence suspensions. These penalties were imposed for a variety of infractions related to:

- overcrowding
- permitting patrons to enter a premise outside liquor hours
- liquor service outside of liquor service hours
- failure to maintain control over music sound levels and patron behaviour
- failure to take reasonable measures to prevent disturbances
- by-law violations including the lack of an approved acoustical report to confirm whether noise issues can be adequately dealt with

The Chief Licence Inspector imposed a two-day business licence suspension on Lolas' Bar July 29th and 31st, 2011 as a result of continued noise and disturbance issues that have taken place

since a new third party operator took over management of the club at the beginning of 2011. After the suspension ended, noise and disturbance calls continued, with a total of 15 calls to police-dispatched calls reporting disturbances related to Lola's and 25 email complaints from residents about disturbances received in August, September and October 2011.

Based on the continuing issues and failure of management to address these issues, the Deputy Chief Licence Inspector imposed a further two-week suspension and a one-month "roll back" suspension during which the establishment could continue operating on standard hours. The licensee has appealed that decision and the matter will be referred to a Business Licence Hearing in January 2012.

Lola's Bar started operating before the City set up the requirement for a time-limited development permit for all liquor primary establishments, so their development permit cannot be reviewed at this time.

Regal Beagle

There has been no enforcement action with respect to this establishment in 2011. However, in 2010 the business was issued a 10-day suspension by the Liquor Control and Licensing Branch for operating contrary to its licensed purpose of food primary establishment (too much emphasis on liquor service over food). There were two other penalties imposed by the Liquor Control and Licensing Branch for overcrowding and operating contrary to licensed purpose in 2009 and 2008 respectively.

While inspections of the Regal Beagle carried out in 2011 indicate that there have been no violations of City or Provincial licensing requirements, enforcement against Lola's Bar had to be stepped up in 2011 by both the City and Liquor Control and Licensing Branch given problems associated with that establishment and how it was being managed. Enforcement against Lola's Bar has been necessitated by negative community impacts as a result of a lack of management control over patrons and music coming from the establishment while enforcement against the Regal Beagle was initiated due to liquor licence violations.

Ongoing monitoring and enforcement strategy

Staff will continue to monitor neighbourhood complaints and management of the two establishments in the 2200 block West Broadway and will work with the licensees to minimize any negative impacts of the establishments on the surrounding neighbourhood and achieve voluntary compliance with by-law violations. Staff will also continue to work with the Liquor Control and Licensing Branch as necessary to jointly apply the principle of progressive enforcement if by-law violations and/or negative community impacts resulting from a failure of the licensee to manage patrons and noise from the establishments continues.

As noted above, Lola's Bar has appealed its second licence suspension of 2011 that was imposed by the Deputy Chief Licence Inspector in November 2011. That appeal will be heard by the Business Licence Hearing panel, which is made up of three members of Council in January 2012. At that time, Council will have the opportunity to hear the appeal and decide whether to uphold the licence suspension, vary it or revoke the business licence. Council also has the option of revoking the extended hours business licence and linking the suspension to the extended hours, after which the licensee may apply for a license for a standard hours liquor establishment.

In the longer term, staff note that there is a need to address the policy of liquor establishments from a land use perspective. Staff are currently scoping the policy issues and will be reviewing the priority of this work and staff resource allocation for 2012. Current policy does not provide guidance on the location, type and numbers of liquor seats in all areas of the City, particularly in areas outside of the downtown. Most areas of the City are now mixed use and so balancing the need to mitigate the negative impacts of liquor establishments in residential areas with the positive benefits of providing residents with amenities in their local neighbourhoods needs to be examined.

Financial

There are no financial implications.

CONCLUSION

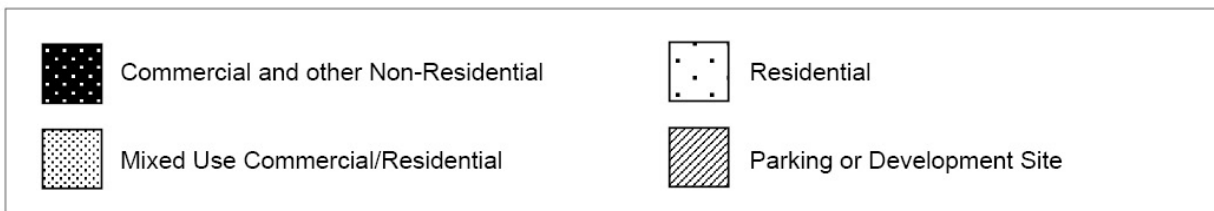
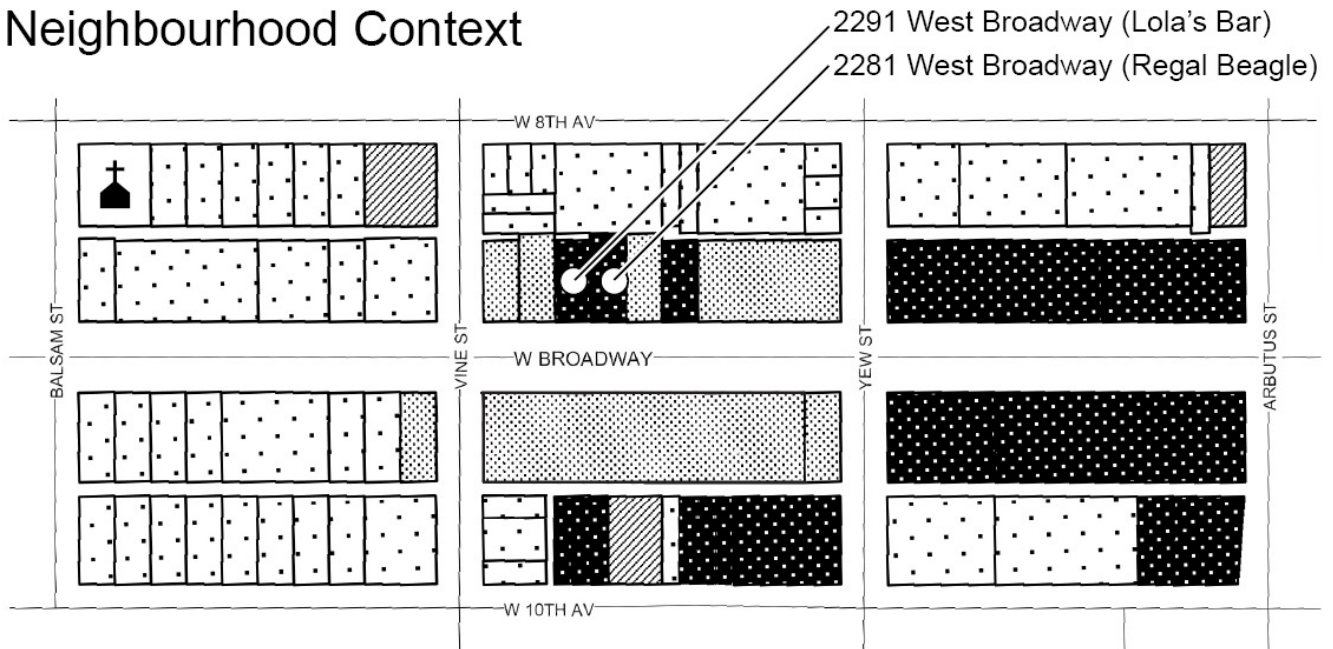
This staff review confirms that there is a problem with respect to disturbances which are impacting residents in the vicinity of the 2200 block West Broadway. While both the Regal Beagle (food primary) and Lola's Bar (liquor primary) have been the subject of enforcement action by the City and the Liquor Control and Licensing Branch, the majority of the disturbances in the area are clearly related to Lola's Bar. Staff will continue enforcement action as necessary to deal with the negative impacts in the area and if these continue, the licensees place themselves at risk of losing their business licence (through City enforcement action) or their liquor licence (through Liquor Control and Licensing Branch enforcement action).

Based on the analysis in this report, staff are bringing back for a Council's decision, the report recommending approval of the application from the Regal Beagle to convert 40 of their food primary seats to liquor primary. While this establishment has been the subject of some enforcement action, they operate as a local pub with food service catering to a variety of age groups and have been managing the establishment in a way that minimizes neighbourhood impacts.

* * * * *

2200 block West Broadway

Neighbourhood Context



Summary of observations from surveillance
Vicinity of 2200 block W. Broadway

Date	Day	Observations	Regal Beagle	Other
		Lola's Bar	Regal Beagle	Other
July 16, 2011	Sat	<p>12:24am-14-20 ppl outside talking loudly</p> <p>12:32am-bass from music audible outside</p> <p>12:46am-one male urinating outside and walks back into Lola's Bar</p> <p>1:10-1:40am-patrons leave in small groups talking loudly, laughing and in one instance, screaming</p> <p>1:51am- patrons leaving Lola's talking loudly engage in an argument with a resident</p> <p>2:08am-large group leaving Lola's, no staff present outside</p>	-no issues	-no issues
July 19, 2011	Tue	<p>11:28pm-group of males leaving Lola's play fighting, then waling onto roadway talking/yelling, one drinking beer from a can</p>	-no issues	-no issues
July 22, 2011	Fri	-no issues	-no issues	-no issues
July 25, 2011	Mon	<p>11:31pm-male patrons from Lola's outside arguing, swearing loudly, 3 in the middle of Broadway</p> <p>11:40pm-police dispatched to deal with 4 ejected male patrons fighting in the street</p> <p>12:02am-3 females exit a cab, walk towards Lola's talking loudly and yelling</p> <p>12:10am-bass noise from Lola's sounds system audible from outside</p> <p>12:24am-male exists Lola's, urinates on neighbouring business wall, returns to Lola's</p> <p>12:45-12:59am-persons leaving Lola's and yelling, bass sound still audible outside</p> <p>1:15am-patrons talking loudly after exiting, get into a yelling match with a resident</p> <p>1:26am-police dispatched to</p>	<p>11:25pm-loud cheering heard from the Regal Beagle</p> <p>11:57pm-5 patrons in front of the Regal, loud voices</p> <p>1am-noise from patrons standing outside the Regal Beagle for about 15 minutes</p>	-no issues

		disperse crowd gathered outside Lola's after closing		
Aug 10, 2011	Wed	-no issues	-no issues	-no issues
Aug 29, 2011	Mon	<p>10:53pm-large group of young ppl walking toward Lola's talking loudly</p> <p>11:07pm-bar patrons observed drinking alcohol on approaching Lola's</p> <p>11:54pm-resident observed approaching 4 ppl on Vine n/o Broadway about noise, (group later identified in Lola's)</p> <p>12:55am-doorman permits 2 ppl to enter (closing time is 1:00am)</p> <p>1:03-1:07am-patrons leaving bar talking very loudly and singing, noise echoes off buildings</p>	-no issues	11:40pm-loud female voices outside in 2200 block W Broadway

Enforcement history (past 5 years)
Regal Beagle and Lola's Bar

i) Regal Beagle (Food Primary: Capacity 114 persons)

Date of violation	Issue	Enforcement Action	By
Sept 6, 2008	Operating contrary to licensed purpose	\$1000 Fine	LCLB
Feb 10, 2009	Overcrowding	4-day suspension	LCLB
Sept 2, 2010	Operating contrary to licensed purpose	10-day suspension	LCLB

ii) Lola's Bar (Liquor Primary: Capacity 138 persons)

Date of violation	Issue	Enforcement Action	By
May 19, 2007	Overcrowding	4-day suspension	LCLB
Jun 30, 2008	Overcrowding	\$1000 fine	LCLB
May 5, 2011	-Permitting patrons to enter a premise outside liquor hours; -Liquor service outside of liquor service hours	Warning	LCLB
Feb-July, 2011	-Noise and public disturbance issues, failure to maintain control over music sound levels and patron behaviour	2-day business licence suspension	CoV
Oct 5, 2011	-Failure to take reasonable measures to prevent disturbances	Warning	LCLB
Aug-Sept, 2011	-Ongoing noise and public disturbance issues, failure to maintain control over music sound levels and patron behaviour -No evidence of an approved acoustic report for establishment	14-day business licence suspension & 1-month roll back of extended hours (appealed by licensee)	CoV